



Denmark

Country Reports on Human Rights Practices - [2004](#)

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Denmark is a constitutional monarchy with democratic parliamentary rule in which citizens periodically choose their representatives in free and fair multiparty elections. Queen Margrethe II is head of state. The Government, which is accountable to the unicameral Folketing (Parliament), is headed by the Cabinet. A minority center-right coalition government led by the Liberal Party has remained in power since elections in 2001. The judiciary is independent.

The national police have sole responsibility for internal security. The civilian authorities maintained effective control of the security forces. There were two allegations that members of the security forces committed isolated human rights abuses.

The market-based industrial economy provided residents with a high standard of living. The population was approximately 5.4 million. Nearly one-quarter of the work force was employed in the public sector. The key industries were food processing and metalworking; a broad range of industrial goods was exported.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Domestic violence against women was a problem, but the Government took steps to address it. Trafficking in women for prostitution remained a problem, but the Government took a significant step to address trafficking.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. A 2002 study by the Council of Europe's (COE) Committee for the Prevention of Torture (CPT) found that police establishments and prisons met the CPT criteria. The committee recommended a few improvements including limiting periods of solitary confinement to shorter periods and confining women in the same area as men only when they expressly agree to the conditions and when the areas are supervised adequately. The CPT study also found no allegations of mistreatment at psychiatric hospitals, but recommended that the use of physical immobilization be reviewed.

In 2003, 19 inmates died in prison, 6 of whom were ruled suicides. There were no indications of wrongdoing by the Government or its officials.

Men and women were held separately except for some voluntary gender integration. Juveniles were held separately from adults. The number of detained juvenile offenders was extremely low since only those juveniles convicted of the most violent crimes were incarcerated. The law provides that "violent" juvenile offenders between the ages of 15 and 17 may be sent to adult correctional facilities, but they were segregated from adult inmates.

Pretrial detainees were held in remand centers, which also held nonviolent convicted criminals serving sentences of 30 months or less. In October, a new high-security detention unit opened to house pretrial detainees as well as convicted prisoners who have been designated as "negatively strong" (prisoners deemed to have a strong tendency to engage in violence or intimidation against fellow inmates or prison staff.)

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The national police, under the Ministry of Justice, have sole policing authority in the country. There are 54 police districts (plus the Faroe Islands and Greenland) and a National Commissioner's Office. The Minister of Justice, with the approval of the Folketing, appoints the police chiefs of each district and the National Commissioner. The National Commissioner manages eight departments with responsibilities that include personnel, finances, vehicles, buildings, equipment, intelligence, forensics, the Crime Prevention Council, and the Police College.

A criminal action is initiated by a police arrest or by charges or indictments filed by public prosecutors with the courts. The court may either summon the accused to appear or order that police arrest the accused based upon an application filed by a public prosecutor. If an individual is taken into custody, the Constitution provides for an initial appearance before a judge within 24 hours. Authorities generally respected the right to a prompt judicial determination. Arrestees have the right to counsel at the initial hearing, and the Government provided counsel for those who could not afford representation.

The vast majority of arrestees were released immediately upon being informed of the charges and notification of any further court action. Pretrial detention is generally reserved for those charged with offences that are punishable by penalties greater than fines or mitigated imprisonment. If pretrial detention is deemed necessary, the Constitution requires that the court issue an order within 3 days of the defendant's initial appearance justifying the basis of the pretrial detention. The Constitution allows for the immediate appeal of detention orders. There were no reports that persons were detained arbitrarily or secretly.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system consists of a series of local and regional courts, with the Supreme Court as the highest court; there are no military courts or tribunals. A military criminal code exists, but its enforcement is in the public judicial system.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants and their attorneys have access to government evidence relevant to their case. Defendants have the right to question witnesses against them and to present their own witnesses; they are presumed innocent until proven guilty; and the right of appeal encompasses both procedural matters and sentences imposed. Trials are public. Juries are required for criminal cases in which the maximum penalty is greater than 4 years' imprisonment.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

g. Excessive Force/Violations of Humanitarian law in Internal and External Conflicts

In August, military authorities charged one active reserve member of its armed forces in Iraq with dereliction of duties related to her allegedly improper interrogation of detainees. Military authorities also charged the commanding officer of the unit with dereliction of his duty for failing to provide supervision. Both cases were pending at year's end.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government generally respected this right in practice.

The Constitution provides for an official state religion, the Evangelical Lutheran Church, which was subsidized by the Government. The Government does not require that religious groups be licensed; however, the State's permission is required for religious ceremonies, such as weddings, to have civil validity.

The Evangelical Lutheran faith was taught in public schools, but students may withdraw from religious classes with parental consent.

From January through June, there were five incidents of anti-Semitic vandalism, primarily graffiti, and one incident of an anti-Semitic mailing, which the Government condemned and investigated. The law prohibits publicly disseminated statements, which threaten, insult, or degrade persons based on their religion. In November 2003, the Government launched an Action Plan to Promote Equal Treatment and Diversity and Combat Racism (Equal Treatment Plan). The Equal Treatment Plan included initiatives to facilitate access to the education system, promote public awareness about diversity and equal treatment, initiate an outreach campaign to young ethnic minorities, initiate a dialogue with ethnic minorities on issues such as diversity and political participation, increase ethnic minority access into the labor market, and promote integration in housing districts. The Government allocated \$416,000 (2.5 million kroner) during the year to the Equal Treatment Plan.

Although not exclusively directed at anti-Semitism, the goal of the Equal Treatment Plan was to insure protection for all citizens, regardless of their beliefs. The Government's efforts included the publication in October of a report on Somalis in the national workforce, which profiled Somali success stories and gave guidance to Somali immigrants on how to best access the labor market. In September, the Government launched a program aimed at combating the "ghettoization" of several minority-dominated neighborhoods in the country plagued by high unemployment, crime rates, and social isolation. Efforts included the establishment of an interministerial steering committee, identification of target communities, and a framework designed to increase opportunities for affected community members in education, employment, and integration.

From January to June, there were two incidents of harassment directed at Muslims. For example, one incident involved vandalism and the other involved a letter expressing anti-Muslim statements. In addition to the Equal Treatment Plan, the law provides protection against discrimination against religious minorities.

Societal discrimination against religious minorities was difficult to distinguish from discrimination against ethnic minorities. Differences in language and ethnicity could be at least as important for religious minorities in explaining unequal access to well-paying jobs and social advancement. Overall, minority group unemployment tended to be higher, and allegations of discrimination on the basis of religion sometimes were raised. The integration of immigrant groups from Islamic countries has become an important political and social topic of discussion. In September, the International Helsinki Federation for Human Rights concluded in a report that the overall political climate for Muslims in the country has been deteriorating since 2001.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and the Government did not employ it.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. From January through November, the Government received 2,981 initial applications for asylum and granted temporary residency to approximately 9 percent of the applicants (additional persons were granted refugee or other status during the year and received temporary residency on the basis of humanitarian grounds, international conventions, etc.) In 2003, the Government received 4,593 first time applications for asylum and granted temporary residency to 22 percent of the applicants. The number of applications during the year decreased from 2003 and was significantly lower than the 6,068 applications received in 2002. The appreciable drop in applications from 2002 may be attributed to fewer refugees and asylum seekers coming from Iraq and Afghanistan, as well as to the tightening of asylum and refugee policy. The law provides that refugees traveling to their countries of origin on holiday will automatically have their cases reassessed. If it is determined that they are not persecuted in their country of origin, they will be returned after residency is revoked.

Section 3

Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens could freely choose and change the laws and officials that govern them.

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have democratically elected home-rule governments whose powers encompass all matters, except foreign and national security affairs, police services, the judiciary, and monetary matters. Greenlanders and Faroese are citizens with the same rights as those in the rest of the country. Each territory elects two representatives to the Folketing. Parties and candidates can be freely nominated by various elements in the society.

The Law provided public access to government information. The Access to Public Administrations Files Act, enacted in 1985, provides guidelines for access to government records. Individuals can request documents contained in an administrative file of any public agency; however, certain classes of documents containing sensitive or confidential information are excluded. The Government provided such access for citizens and noncitizens, including foreign media.

There were 68 women in the 179-seat Folketing, and 6 of 19 ministers in the Cabinet were women. Women also accounted for 44 percent of the newly elected public council boards and committees. There were two Muslim in the Folketing, who were elected in general, nonreserved districts; there were no members of minority groups in the Cabinet.

Section 4

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5

Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution and the law prohibit discrimination on the basis of sex, creed, or ethnicity. The law also prohibits discrimination on the basis of race, national, or ethnic origin, or faith. The Government protected the rights of the country's indigenous people. The Government's operations and extensive public services do not discriminate on the basis of any of these factors.

In November 2003, the Government launched the Equal Treatment Plan. According to legislation passed in July 2003, individuals who have not resided legally in the country for at least 7 of the last 8 years receive lower social benefits payments than other citizens and residents. The Danish Center for Human Rights cited this policy as indirect discrimination against foreigners.

Women

Violence against women was a problem, which the Government took the following steps to combat with a 2002 action plan that included: A pilot project offering violent family members therapy in the form of dialogue with their victims and health care professionals; a law that sets minimal living standards for shelters; increased funding for shelters; and authorization for the police to remove the violent person from the household. In November 2003, the Government initiated a new phase of the action plan that included hanging informative posters and signs about violence against women in buses and trains and distributing brochures on how to get help in doctors' offices, pharmacies, and other public places. During the year, the Government distributed 1 million flyers nationwide concerning female victims of violence and the resources available to them and increased its efforts to reach women of ethnic minorities living in the country. For example, it created education materials related to violence against women for use by Danish language training centers for immigrants. The Government also provided education for crisis center volunteers on how to more effectively assist women of ethnic minorities who were victims of domestic violence. An umbrella nongovernmental organization (NGO) reported that, in 2003, women's crisis shelters were contacted 9,195 times, compared with 9,420 times in 2002. A total of 2,008 women stayed at shelters during 2003, compared with 1,935 women in 2002.

There were 472 reported rapes in 2003 and 265 during the first 6 months of the year. The Institute for Public Health estimated that at least 64,000 women were exposed to domestic violence in 2003, and that domestic violence affected approximately 30,000 children. Rape, spousal abuse, and spousal rape are criminal offenses, and the Government effectively prosecuted those accused of such crimes. Statistics were not available regarding the numbers of abusers who were prosecuted, convicted, and punished. The Government also took steps to combat forced marriage among immigrant groups by providing information and counseling and setting up crisis centers to support young women who were victims or potential victims of forced marriage.

Prostitution was legal, but pimping, coercion into prostitution, solicitation of prostitution from a minor, and trafficking were illegal.

Sexual harassment is prohibited by the 2002 Gender Equality Act and provides for awards of monetary compensation for victims of sexual harassment. The Government effectively enforced the law concerning sexual harassment, and there were few reported cases during the year.

The law requires equal pay for equal work, but, in practice, female workers earned about 14 percent less than their male counterparts. The law prohibits job discrimination on the basis of sex and provides recourse, such as access to the Equal Status Council, for those affected. Women held positions of authority throughout society, although they were underrepresented in senior business positions and as university professors. In December 2003, the Government distributed 7,000 leaflets to private employers which highlighted the need for increased numbers of women in management and informed them of a website created to assist employers in their efforts. In February, the Ministry of Gender Equality published a magazine about female managers directed at executives and Human Resources staff seeking to employ women in an executive capacity. The Government also initiated an interagency gender mainstreaming project, which promoted gender equality in government agencies by establishing an interagency steering committee of managers which oversaw gender mainstreaming initiatives, provided administrators with education and tools related to gender mainstreaming, and published individual ministry projects on the Ministry of Gender Equality's website. Women's rights groups lobbied the Government on matters of concern, such as wage disparities and parental leave. Only 40 percent of women from ethnic minority groups were active in the labor market, compared to 76 percent of other women. In October, the Government took further steps to bring more minority women into the labor market by holding a conference that featured successful businesswomen from ethnic minority backgrounds speaking to young ethnic minority women about gaining access to the employment market, and establishing a mentor program for ethnic minority women.

Children

The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. Education was compulsory through the ninth grade and free through the university level; school attendance was nearly universal. The Ministries of Social Affairs, Justice, and Education oversee implementation of programs for children. According to the Organization for Economic Cooperation and Development, 95 percent of students graduated from high school and other youth education programs. Boys and girls were treated equally. Slightly more women than men completed postsecondary education.

There were some reports of child abuse, although there was no societal pattern of such abuse. The law prohibits the physical punishment of children by adults, including their parents.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to the country. The law criminalizes trafficking and provides for a maximum prison term of 8 years of those convicted of trafficking in persons. The legal definition of trafficking in women includes essential components of force, fraud, or coercion.

In September, six East European men were convicted of trafficking in persons in the first case prosecuted under the 2002 trafficking law. The six men received sentences between 1 to 3½ years for trafficking women into the country from Eastern Europe and forcing them into prostitution. The conviction was the culmination of a lengthy investigation in 2003.

The Government undertook efforts to combat trafficking in all forms, but since prostitution was well compensated and not illegal, the legal tools available were limited. The National Commissioner for Police maintained an internal task force on trafficking in persons, assisted local police constabularies with investigations, and trained its officers to recognize and investigate trafficking cases. The Government cooperated with international investigations of trafficking and exchanged information with neighboring countries.

The country was both a destination and a transit point for women and children who were trafficked from the former Soviet Union, Eastern Europe, Thailand, and Africa for the purposes of sexual exploitation. Traffickers lured victims with the prospect of higher wages and a better life, then forced them into prostitution, often withholding their passports. Authorities suspected traffickers had ties to organized crime, specifically in Russia and the Baltic countries, and subjected them to police investigations and prosecutions.

The Government did not directly provide medical or legal assistance to victims; however, it funded an NGO that provides legal services to trafficking victims. The Government also funded several NGO hotlines to support victims, prevent trafficking, and gather data on the extent of the problem. Although the Government had no formal witness protection program, it provided safe surroundings with access to professional, social, medical, and psychological support to those waiting to testify in court for a period of 15 days; however, an extension was available upon a police request if necessary for investigatory purposes or due to court proceedings. An interagency working group on trafficking (with members from the Ministries of Justice, Social Affairs, Gender and Equality, Employment, and Education, as well as from NGOs) met monthly to share information. In 2002, the Government allocated \$1.6 million annually (10 million kroner) for a 3 year program (2003-06) to combat trafficking. The Ministries of Social Affairs and Gender Equality conducted an anti-trafficking advertising campaign in all major newspapers, subsidized a hotline and website, and funded an NGO program to identify trafficking victims and provide them with information on how they can get help. During the year, government efforts included establishing an outreach program to benefit foreign prostitutes, funding a new women's shelter, increasing cooperation with source country embassies, and collecting additional data. The police and NGOs established a close working relationship, which resulted in police referrals of trafficking victims to

NGOs in conjunction with criminal investigations.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. Building regulations require special facilities for persons with disabilities in public buildings built or renovated after 1977 and in older buildings that come into public use. The responsibility for the protection of the rights of persons with disabilities is shared by all of the Government ministries. The Danish Disability Council, a government-funded organization, monitored the status of persons with disabilities in the country and advised the Government and the Folketing on issues relating to disability policy. The Equal Opportunities Centre for Disabled Persons is a government-funded entity, which alerts the Government to and documents, inequalities in society related to persons with disabilities. In 2003, the Government launched an action plan designed to increase access for persons with disabilities into job markets and for adequate housing by focusing on five priority areas: improving housing conditions for persons with disabilities; increasing opportunities for education and employment; improving public access for persons with disabilities to administrative government services; improving general access to public places; and overall quality of life. During the year, the Government's efforts included construction of disability accessible housing as part of the action plan.

National/Racial/Ethnic Minorities

The inflow of ethnically and racially diverse refugees and immigrants (mostly Iraqis, Palestinians, Pakistanis, Sri Lankans, Somalis, and refugees from the former Yugoslavia) caused some tension between citizens and immigrants, which was reflected in press reports on the failure of the immigrants to integrate and on the correlation between immigration and crime levels. According to the Police Intelligence Services, during the year, there were 24 cases of racial discrimination or racially motivated violence reported to the authorities. Other incidents went unreported. Reported cases involved graffiti, vandalism, theft, and racist Internet and written messages. The victims were Jews and "people of an ethnic origin other than Danish" (usually meaning Muslim or African). Minority group members were also sometimes the perpetrators of the incidents. The Government effectively investigated and dealt with cases of racially motivated violence.

In 2003, the Government initiated the Equal Treatment Plan to combat discrimination and racism directed against ethnic minorities.

There are approximately 15,000 to 20,000 German-speaking citizens who resided in the southwestern part of the country bordering Germany. A May report by the COE's Committee of Ministers recommended that the Government implement a policy to protect and promote German as a minority language in the fields of administration, justice, and media in accordance with the European Charter for Regional or Minority Languages.

Indigenous People

The law protects the rights of the inhabitants of Greenland and the Faroe Islands. Greenland's legal system seeks to accommodate Inuit customs, and it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they were encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Greenlandic and Danish languages.

In 1999, a Danish court ordered the Government to compensate Greenlanders (and their descendants) whom the Government forcefully resettled in 1953 from a village adjoining a foreign military base. The Greenland plaintiffs appealed that decision, seeking greater compensation and the return of their former properties. In February 2003, the Government returned the area adjoining the base to Greenland control. In November 2003, the Supreme Court upheld the lower court's 1999 decision in full. In May, the Greenlanders filed an appeal of the Supreme Court's decision with the European Court of Human Rights (ECHR). The ECHR had not taken any action on the case at year's end.

Section 6 Worker Rights

a. The Right of Association

The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 85 percent of wage earners belonged to unions that were independent of the Government and political parties.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference and the Government protected this right in practice. Collective bargaining is protected in law and was freely practiced. The law provides for the right to strike, and workers exercised this right in practice. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

Laws and policies prohibit the exploitation of children in the workplace, including the prohibition of forced or compulsory labor, and the Government effectively enforced these laws and policies in practice. All forms of child exploitation were investigated and prosecuted. In 1996, the Government enacted the Action Plan for Clean Working Environment by 2005, which currently provides a framework for a safe working environment for children and preventative measures aimed at protecting children.

The minimum legal age for full-time employment is 15 years. The law sets a minimum age of 13 years for any type of work. The law contains provisions that limit work hours and sets occupational health and safety restrictions for children. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. Export industries did not use child labor. The Government devoted adequate resources and oversight to child labor policies.

e. Acceptable Conditions of Work

The law does not mandate a base national minimum wage, but national labor agreements effectively set a wage floor. The average net wage including pension benefits of adult workers in 2003 was \$29 (177 kroner) per hour, which was sufficient to provide a decent standard of living for a worker and family. Workers generally worked a 37-hour workweek, which was established by contract, not by law.

The law also prescribes conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations without jeopardizing their employment, and legal protections cover workers who file complaints about unsafe or unhealthy conditions. Similar work conditions were found in Greenland and the Faroes, except that the workweek was established by contract at 40 hours. Foreign workers with residence and work permission enjoy the same rights as citizens.